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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE FINISAR CORP. DERIVATIVE
LITIGATION,

This Document Relates To:

ALL ACTIONS.

Master File No. C-06-07660-RMW

STIPULATION AND [D] ORDER
EXTENDING THE DEADLINE FOR FILING
MOTIONS TO DISMISS

Hon. Ronald M. Whyte

WHEREAS, on January 18, 2012, the parties engaged in a nonbinding mediation before the Honorable Edward A. Infante (Ret.) (the "Mediation"), and settlement discussions remain ongoing;

WHEREAS, pursuant to the Stipulation and Order Regarding Case Management Conference and Hearing Date filed on November 9, 2011 (the "November 9 Stipulation and

Order”), Dkt. No. 126, Plaintiffs and Defendants filed their Mediation status reports with the Court on January 23, 2012 and January 25, 2012, respectively, Dkt. Nos. 131, 132;

WHEREAS, pursuant to the November 9 Stipulation and Order, Defendants must file motions to dismiss Plaintiffs’ Supplemental Second Amended Consolidated Verified Shareholder Derivative Complaint (“SSAC”) or other responsive pleadings by February 17, 2012;

WHEREAS, (1) to facilitate the ongoing settlement discussions, (2) minimize litigation fees and costs, including the significant expense involved in briefing and arguing motions to dismiss; and (3) preserve judicial resources, subject to this Court’s approval, the parties agree that the time for Defendants to file motions to dismiss the SSAC or other responsive pleadings shall be extended until March 2, 2012; and

WHEREAS, Defendants have not yet reserved a date for the hearing of motions to dismiss and this stipulated extension thus will not affect any scheduled Court date in this case;

THEREFORE, IT IS HEREBY STIPULATED AND AGREED by Plaintiffs, Defendants, and Finisar, through their respective counsel of record subject to approval of the Court as follows:

1. Defendants shall file and serve their motions to dismiss the SSAC no later than March 2, 2012.

* * *

IT IS SO STIPULATED

DATED: February 14, 2012

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11 Joseph Young

12 * * *

13 **ORDER**

14 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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16 Dated: GBI, 2012

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18 THE HONORABLE RONALD M. WHYTE
19 UNITED STATES DISTRICT JUDGE
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ECF CERTIFICATION

I, Nicole M. Healy, am the ECF User whose identification and password are being used to file the Stipulation and [Proposed] Order Extending the Deadline for Filing Motions to Dismiss. In compliance with General Order 45.X.B, I hereby attest that I have obtained concurrence regarding the filing of this document from the signatories to the document.

I further certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on February 14, 2012.

Dated: February 14, 2012

Respectfully submitted,

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By: /s Nicole M. Healy
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